

**Notice of Allowability**

Application No.

09/727,898

Applicant(s)

BIRDWELL ET AL.

Examiner

Kuen S. Lu

Art Unit

2167

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/8/2006.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 11/15/2006.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>11/14/2006</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                    |
|  | 9. <input type="checkbox"/> Other _____  |

### **DETAILED ACTION**

1. After a thorough search and examination of the present application and, in light of the amendments filed September 8, 2006 and made to claims 1, 4 and 6-7, a telephone interview conducted November 14, 2006, Examiner's amendment made 11/14/06 to the only independent claim 1, and the prior art made of record, Claims 1 and 2-7 are allowed.

#### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) is required in this application because Figure 2 contains unclear shaded areas in which text is not readable. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Priority***

3. It is noted that this application claims benefit of priority from U.S. Provisional Application No. 60/168,345, filed December 1, 1999.

A reference to the prior application has been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

***Examiner's Amendments***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment, listed below, was given in a telephone interview with Mr. Robert B. Resser III (Registration Number 45,548) on November 14, 2006. The interview summary is attached.

4.1. Please insert the following section into Specification, at Page 1, before the section FIELD OF THE INVENTION as follow:

**CROSS-REFERENCE TO RELATED APPLICATION**

This application claims the benefit of priority from U.S. Provisional Application No. 60/168,345, filed December 1, 1999.

4.2. Please amend Claim 1 as follow:

1. (Currently Amended) A method of managing non-destructive evaluation data comprising the steps of:

providing a predetermined standard data format for non-destructive evaluation test data;

converting existing non-destructive evaluation test data including a plurality of different data formats into the standard data format using a conversion tool that is interactively taught un-encountered data formats,

wherein the plurality of different data formats comprise image data formats and non-image data formats, and

wherein a unique data format conversion program is not needed for each new data format encountered;

adding the converted non-destructive evaluation test data to a computer database associated with a computer network;

transmitting the converted data over the network;

displaying at least a desired portion of an image; and

displaying non-destructive evaluation test parameters of the image displayed.

### ***Reasons For Allowance***

5. The following is an examiner's statement of reasons for allowance:

In the Examiner's Office Action for non-Final Rejection of June 8, 2006, 35 U.S.C. 35 U.S.C. § 103, rejections was primarily based on Kitamura: "IMAGING APPARATUS AND NETWORK SYSTEM USING THE SAME", U.S. Patent Application 2002/0013857, filed 12/8/1998 and published 1/31/2002; and in view of Lemelson: "COMPUTER

OPERATED MATERIAL PROCESSING SYSTEM AND METHOD", U.S. Patent  
5,946,220, filed 6/5/1996 and issued 8/31/1999.

In the Remarks filed on September 8, 2006, the Applicant pointed out that neither Kitamura nor Lemelson teaches the management of non-destructive evaluation data as detailed in the claimed steps of providing pre-determined standard data format, converting different formats of testing data into standard format by using a unique program, storing converted data into database on network, displaying desired portion of an image and test parameters. Applicant further alleged that the 35 USC 103(a) Rejection was based on a hindsight re-construction of isolated disclosures and questioned Examiner's success on establishing a *prima facie* case of obviousness by combining the two references.

Based on the further amended subject matter of **"converting existing non-destructive evaluation test data including a plurality of different data formats into the standard data format using a conversion tool that is interactively taught un-encountered data formats, wherein the plurality of different data formats comprise image data formats and non-image data formats, and wherein a unique data format conversion program is not needed for each new data format encountered"**, Examiner is persuaded the combination of the above highlighted subject matter with other detailed implementation steps made the combined subject matter distinct from prior art.

An updated search for the prior arts on EAST database and on domains (NPL-ACM, Google.com, NPL-IEEE) has been conducted. The prior arts searched and investigated in the database and domains does not fairly teach or suggest the teaching of the newly amended claimed subject matter as described above and reflected by the combined elements in the sole independent claim 1.

The dependent claims 2 and 3-7, depending directly or indirectly upon claim 1, also distinct from the prior art for the same reason.


6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone pre unsuccessful, the examiner's Supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2167

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll free).

Kuen S. Lu, 

Patent Examiner, Art Unit 2167

November 15, 2006

  
JOHN COTTINGHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100